

REMARKS

Reconsideration of the present application is respectfully requested. No claims have been amended. Claims 1 – 32 and 34 - 39 are currently pending.

Rejections based on 35 U.S.C. § 103

Claims 1 – 2, 5 – 6, 20, 22, 34 and 36 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Edelman, US Patent No. 5,680,563 (“Edelman”), in view of Bolnick, *et al.*, US Patent No. 5,838,317 (“Bolnick”) and further in view of Gargi, *et al.*, US Publn. No. 2005/0027712 (“Gargi”). Claims 3 – 4, 7 – 19, 21, 23 – 32, 35 and 37 – 39 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Edelman in view of Bolnick, and in further view of Gargi, and further in view of Engst (“iPhoto 2 for Mac OS X: Visual Quickstart Guide”, Copyright 04/21/2003, Peachpit Press). Applicants respectfully traverse the pending rejections.

Declaration under 37 C.F.R. § 1.131

Each of the present rejections relies on the reference Gargi, which was filed on July 31, 2003. The present application was filed on January 23, 2004. Applicants, however, conceived of and reduced their invention to practice before the filing date of the Gargi reference. Thus, the Gargi reference does not qualify as prior art.

Applicants have submitted a Declaration under 37 C.F.R. § 1.131, along with Exhibits A and B, to overcome the present rejections. In the Declaration, Applicants swear behind the effective date of the Gargi reference and attest that the date of conception of the present invention was at least before the filing date of the Gargi reference. Exhibits A and B provide written evidence to support such a date of conception. Exhibits A and B also show an actual reduction to practice prior to the filing of the Gargi reference.

Exhibit A is a press release evidencing the release of a software product titled “Microsoft® Digital Image Suite 9” on July 29, 2003. Exhibit B provides screen shots generated by the Microsoft® Digital Image Suite 9 product. These screen shots prove that the Digital Image Suite 9 product is an actual reduction to practice of the claimed invention. A mapping of independent claim 34 to the content of Exhibit B is provided as an example:

**Claim 34: A method for presenting a plurality of items to a user, the method comprising:
providing one or more filters that may be applied to said plurality of items, wherein each of said filters are associated with a default grouping;**

Pages 3 and 4 of Exhibit B illustrate the presentation of items (i.e., photographs) in groups, as dictated by a selected filter. For example, in the top screen shot on page 3, the photos are filtered by “Date,” while the lower screen shot on page 3 illustrates user-selection of a “Folder” filter. On page 4, a “Keyword” filter is utilized in the lower screen shot. In addition, as explained more fully below, a default or “Auto” grouping is provided for each filter.

**receiving a user input indicating a user selection to apply one of said filters to said plurality of items;
applying said selected filter to said plurality of items to select one or more filtered items;
automatically dividing said one or more filtered items into a plurality of groups in accordance with the default grouping associated with the selected filter;**

The right-most pane of the presented screen shots illustrates the application of a selected filter and an “Auto” grouping to presented images. For example, the top screen shot on page 3 illustrates application of the “Date” filter and the “Auto” grouping of the photos according to the time the images were take. As another example, the “Auto” grouping associated with the “Folder” filter groups by sub-folder, while the “Keyword” filter on page 4 yields groupings that rely on shared keywords.

generating one or more group titles for at least a portion of said plurality of groups, wherein said one or more group titles indicate at least one characteristic shared by the filtered items in one of said plurality of groups; and
displaying said filtered items in said plurality of groups along with at least a portion of said one or more group titles.

The various screen shots of Exhibit B also illustrate the generation and display of group titles indicating shared group characteristics. For example, on the top screen shot of page 3, the group titles indicate a period of time when the photos were taken, whereas the group titles on the lower screen shot of page 3 indicate the sub-folders associated with the groupings. On the lower screen shot of page 4, the group titles indicate the keywords shared by the grouped items.

Applicants further note that the screen shots provided by Exhibit B are similar to FIGS. 2C-F and FIGS. 5A-C of the present application, and these figures also indicate their creation by Microsoft® Digital Image Suite 9. As such, the specification of the present application, in discussing FIGS. 2C-F and FIGS. 5A-C, may provide further guidance regarding the mapping of the claimed invention to the interface provided by Microsoft® Digital Image Suite 9.

Because the Microsoft® Digital Image Suite 9 product illustrates each and every claimed aspect of the present invention, it is clearly an actual reduction to practice of the present invention that pre-dates the effective date of the Gargi reference. Indeed, the Declaration and written evidence demonstrate that Applicants conceived of the present invention and reduced it to practice before the effective date of the Gargi reference. As such, the Office Action can no longer maintain a valid rejection under 35 U.S.C. § 103 that relies on the Gargi reference as it does not qualify as prior art. Accordingly, withdrawal of the rejection of claims 1 – 32 and 34 – 39 under 35 U.S.C. §103 is respectfully requested.

Conclusion

For the reasons stated above, claims 1 – 32 and 34 - 39 are in condition for allowance. If any issues remain which would prevent issuance of this application, the Examiner is urged to contact the undersigned prior to issuing a subsequent action. The Commissioner is hereby authorized to charge any additional amount required, or credit any overpayment, to Deposit Account No. 19-2112.

Respectfully submitted,

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